

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 00-879
ACTION AGAINST)	
)	
Castle Rock School District)	Notice of Administrative
)	Charges
Respondent.)	

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Commission, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.680 states in part:

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's

request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

III. **BACKGROUND**

On February 4, 2000, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging that the Castle Rock School District was in violation of RCW 42.17.680 for failing to maintain for public inspection copies of employees' requests for payroll deductions of contributions to the Washington Education Association's political committee, "Washington Education Association – Political Action Committee" (WEA-PAC). PDC staff reviewed the complaint and the response from the Castle Rock School District.

IV. **FACTS**

These charges incorporate the Report of Investigation and all exhibits by reference.

Failure to Maintain Open for Public Inspection Employees' Payroll Deduction Authorization Forms For Contributions to a Political Committee (RCW 42.17.680(4))

Jami Lund of the Evergreen Freedom Foundation visited the Castle Rock School District on February 3, 2000 and asked to see the District employees' requests authorizing payroll deductions for contributions to WEA-PAC. When Mr. Lund arrived at the Castle Rock School District he spoke with the payroll officer, John Kleine. Mr. Lund was told by Mr. Kleine that the payroll deduction authorization forms for contributions to WEA-PAC were not in the possession of the District, but rather, in the possession of the Castle Rock Education Association.

Mr. Kleine stated under oath that the District did not have the WEA-PAC payroll deduction authorizations for the 1999-2000 school year on file when Mr. Lund made his request. The District did have the completed authorization forms for the 1997-1998 and 1998-1999 school years in its possession, although the forms were kept in the District's archival storage room in a different building from the payroll office.

The District's normal practice is to receive the payroll deduction authorization forms from the Castle Rock Education Association in September for the current school year. Authorization forms signed after September are forwarded to the District when signed. Mr. Kleine did not know why the District had failed to maintain copies of the authorization forms in its possession. However, he stated that the District administrative offices, including the payroll office, moved in August 1999. When Mr. Lund made his request to view the authorization forms on February 3, 2000, the District discovered that it did not have current year authorization forms in its possession.

Failure to Obtain Written Authorization Prior to Withholding a Portion of Employees' Wages for Contributions to a Political Committee (RCW 42.17.680(3))

During the 1999-2000 school year, the District withheld wages for contributions to WEA-PAC without having the employees sign a current authorization form. The District withheld deductions for contributions to WEA-PAC based on authorizations from the 1998-1999 school year.

The District has 33 payroll deduction authorizations for contributions to WEA-PAC for the 1999-2000 school year. Four authorizations were signed in September 1999 but were not in the possession of the District when Mr. Lund requested to see the authorization forms February 3, 2000. Sixteen authorizations were not signed until February 2000 and fourteen authorizations

were not signed until March 2000 even though the District withheld contributions for WEA-PAC for all 33 employees starting in September 1999.

When District officials realized they did not have the required authorization forms for the 1999-2000 school year, they requested copies from the Castle Rock Education Association. The District now has copies of authorization forms for the current school year and for the past two school years available for inspection.

V.
CONCLUSION

Staff alleges, based on the facts specified in Section IV, that the Castle Rock School District violated **RCW 42.17.680(4)** by failing to maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts required by RCW 42.17.680 including a copy of each employee's request for withholding wages for the purpose of making contributions to a political committee.

Staff also alleges, based on the facts specified in Section IV, that the Castle Rock School District violated **RCW 42.17.680(3)** by failing to obtain written authorization prior to withholding a portion of employees' wages for contributions to a political committee.

RESPECTFULLY SUBMITTED this _____ day of _____, 2000.

Philip E. Stutzman
Director of Compliance